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SUBJECT: Santos Eager to Assume Uribe's Mantle, but Uribe Still Kicking

REF: BOGOTA 149; BOGOTA 145

CLASSIFIED BY: Brian A. Nichols, DCM; REASON: 1.4(B), (D)

SUMMARY

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¶1. (C) The reelection referendum rollercoaster rolls on. Constitutional Court Judge Humberto Sierra's draft decision declaring the referendum unconstitutional initially led many observers to predict the referendum would not be held. This perception was fueled by President Uribe's meetings with potential successors Juan Manuel Santos and Andres Felipe Arias on February 4 to formulate a "Plan B." However, predictions have since become more uncertain, as some feel the Court will reject Sierra's draft and allow the referendum to continue. Even with the Court's approval, time is running out as a minimum of 30 days must elapse from the Court's decision until the referendum date. Then, if the voter turnout threshold is met, the results must be officially tabulated and Uribe would need to register his candidacy before the deadlines for the May 30 presidential election. Santos, notably eager to become President, told the Ambassador on February 11 that he thinks the undecided Court will approve Sierra's negative recommendation. Santos is confident that if Uribe does not run, he will win the Presidency and his U Party will gain seats in the Congress. Adding to the uncertainty, a close advisor to President Uribe told us the Presidential Palace is still using all its resources to get the referendum approved, including communications with judges. If the Court allows the referendum, deadlines might be overcome and the uncertainty that has plagued politics here will likely continue into April. End Summary.

COURT MAY SAY "NO"

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¶2. (SBU) Constitutional Court Judge Humberto Sierra's February 3 recommendation to his peers that the Court declare the presidential reelection referendum initiative unconstitutional because several

procedural rules were violated (reftels) awakened Uribe supporters and opponents alike. While the text of Sierra's "confidential" draft decision has not been officially released or summarized, media outlets quoted lengthy passages and everyone but the silent Court acknowledges that it recommends against allowing the referendum to proceed. Aspiring opposition candidates smell blood in the water and have invigorated their campaigns.

#### URIBE'S PLAN B: SANTOS & ARIAS

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¶3. (SBU) President Uribe met separately with Conservative Party (PC) presidential pre-candidate Andres Felipe Arias and "U" Party pre-candidate Juan Manuel Santos -- both steadfast Uribe allies and former ministers -- on February 4. The meetings unleashed reports that Uribe was preparing a "Plan B" to continue his legacy if he could not run for reelection, with some suggesting he had already written off reelection. Media reports and declarations by the participants indicate that Uribe urged Arias and Santos to join forces to improve the chances that one of them could continue Uribe's policies as president if Uribe was not reelected. A newspaper published a photo of the three men together to stress the alliance, but that photo was taken some time ago and the three have not met together recently.

¶4. (C) Arias' campaign manager, Beatriz Uribe (no relation), told Poloff on February 8 that Uribe's meeting with Arias had been scheduled prior to the news of Sierra's report. She said Uribe asked Santos to do everything possible to help Arias win the PC primaries on March 14 (polls show anti-reelection Noemi Sanin narrowly leading the scandal-prone Arias). If the PC and U Party join forces for the presidential elections, Beatriz Uribe said they would be unbeatable. But if Sanin wins the PC primaries and does not work with Santos and the U Party, supporters of President Uribe fear the opposition could coalesce and defeat Santos. Beatriz Uribe also said that Arias and Santos agreed it would be best to have a unity pro-Uribe candidate for the May 30 presidential election, though such an arrangement could only be worked out after and if Arias won the PC primary. She acknowledged that the more experienced and 20-year-old Santos would refuse to serve under Arias. With no time for a formal interparty consultation, polls would likely dictate whether Santos or Arias would head the joint ticket (all polls currently put Santos ahead of Arias). Beatriz Uribe confessed that if Arias lost the PC primary, his ability to bring PC faithful with him to the Santos camp would be limited.

SANTOS: REFERENDUM UNLIKELY,

I'M THE FRONTRUNNER

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¶5. (C) After Santos' meeting with the President, he became more vocal about his candidacy representing the U Party if Uribe does not run, but also continued to advocate for Uribe's reelection. Santos had been careful for months not to stress his own candidacy out of deference for Uribe's aspirations, focusing instead on his role as U Party president. Santos met with the Ambassador and Deputy Chief of Mission on February 11 and left the clear impression that he yearns for the Presidency. He said four of the Court judges are undecided on the referendum. Since the decision will be in the hands of judges that do not feel strongly one way or the other, he predicted the Court would approve Sierra's negative ruling and allow the referendum to die rather than assign another judge to prepare a new opinion. If the Court kills the referendum, he thinks its intentions will be known by February 18. Santos confided that he had quietly hired U.S. campaign strategist James Carville (protect), but had kept his role quiet as Santos had not

officially thrown his hat into the ring.

¶6. (C) Santos said he warned PC leaders that if their party did not stay under his U Party coalition, the PC would risk being left out in the cold. If Santos and the PC candidate made it to the second presidential round (a possibility per recent polls), Santos thought he could lure the Liberal Party (his former party) to his side and easily win the presidency. None of the other significant parties would join the PC, so the PC would be left as a minority party in Congress. Santos projected that the U Party would significantly increase its already strong numbers in both the House and Senate.

#### OPPOSITION AND SANIN SEEN AS THREATS

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¶7. (C) Beatriz Uribe fears Liberal Party candidate Rafael Pardo and Alternative Democratic Pole (PDA) candidate Gustavo Petro the most, especially if they unite or join forces with a Sanin-led PC or Radical Change candidate German Vargas Lleras. She predicted that

the congressional elections would reveal independent candidate Sergio Fajardo's political weakness, effectively ending his chances. Santos agreed on this last point, telling the Ambassador that Fajardo's congressional slate would have a dismal showing, causing the public to perceive Fajardo as weak.

¶8. (SBU) According to press reports, Sanin's campaign learned of Santos' agreement to support Arias' primary campaign. Sanin's team is reportedly approaching other parties (Liberals, Radical Change, and PDA) to ask for their support against Arias. Since the PC primary is open to all Colombians, convincing other parties to get out the vote could prove to be a winning strategy in the close Arias-Sanin race. The primary vote is simultaneous with the congressional elections, so voters do not need to expend much additional effort to influence the PC primary. Because the Liberals, Radical Change and PDA already have their presidential candidates, their voters theoretically could cross party lines to shape the PC race.

#### URIBE STILL SEEKING REELECTION

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¶9. (C) Juan Caiza, Presidential advisor for Departments and Municipalities and one of Uribe's 2006 campaign advisors, told Econoffs on February 10 that the Presidential Palace was still using all its resources to get the referendum approved by the Constitutional Court. He said they are even in communication with individual judges to seek a positive outcome. That said, Caiza opined that reelection may not be possible as time is running out. On February 10, Santos publicly stated that the possibility of reelection is "not dead."

#### COURT MAY SAY "YES" BUT CLOCK TICKING

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¶10. (U) After having time to study Judge Sierra's draft decision halting the referendum for procedural violations, the Constitutional Court will meet February 15, 17 and 19 to discuss

the matter. The Court is scheduled to meet three times a week until it reaches a decision. The overwhelming feeling on February 4 that the Court would kill the referendum has returned to uncertainty as to how the Court is likely to rule. News daily "El Nuevo Siglo" reported February 11 that five of the nine judges (Mauricio Gonzalez, Nelson Pinilla, Maria Victoria Calle, Jorge Pretelt, and Gabriel Eduardo Mendoza) would likely oppose Sierra's negative recommendation. Daily "El Espectador" reported February 12 that four judges support the referendum, four oppose and one is undecided. If Sierra's draft is rejected, another judge would prepare a draft decision for the Court's consideration. Though that judge would have a maximum of 30 days to prepare his draft decision, a judge supporting the referendum would present his report as quickly as possible to prevent time from running out before the May 30 election.

11. (C) National Electoral Council (CNE) President Marco Hincapie explained to Poloff on February 9 that if the Court rejects Sierra's draft decision, Judge Gonzalez (who assumed the presidency of the Court through a normal rotation on February 10) would most likely prepare the new draft sanctioning the referendum for the Court's vote. Although the Registrar has said he would need three months to prepare a referendum election, the statutory minimum time

is 30 days (to allow supporters and opposition to inform the public and because the census of eligible voters must be published in advance). Referendum proponents hoped to hold the vote on March 13, just before March 14 congressional elections, but this timing now seems impossible. So proponents are focusing on holding the referendum before the April 5 deadline for presidential candidates who participated in the March 14 primaries to register. There is also a deadline of May 9, where a candidate can register as a replacement for another candidate in the case of death or resignation -- so Uribe could conceivably sub in for Santos under this scenario, assuming Santos would be willing to step aside. Adding to the confusion is the possibility that the Court could waive all of these deadlines to allow the President to register in the case of a positive referendum vote.

COMMENT

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12. (C) President Uribe and his supporters take seriously the possibility that the Court will rule against the referendum. The Court is expected to rule this month. If the Court kills the referendum, all eyes will be on the March 14 PC primaries and congressional elections, which will be clear indicators of the strength of the "Uribe-less" Uribe camp. The many remaining questions and coalition possibilities make this election cycle interesting. If the Court allows the referendum to proceed, time before the May 30 presidential election will be tight. Referendum opponents will continue to stall and demand time to mount an abstention campaign, and the uncertainty that has plagued Colombian politics will likely continue until weeks before the Presidential election. The controversy surrounding President Uribe's health sector reforms (septel) have dealt him a significant political blow that appears to have diminished his support among his working class base for the first time -- raising the slight possibility that the referendum would not draw enough votes to be valid. For now, all eyes remain glued on the Court.

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